THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P.M.P. No.21195 and 21196 of 2007
In
W.P. No.11599 of 1992

ORDER:

In fact, the writ petition was disposed of on 24-08-2005 and thereby remitting the matter, directed the 1st respondent to issue notice to the petitioner in the revision petition and pass appropriate orders within four months from the date of receipt of the order. Further, it was also directed the respondents not to dispossess the petitioner from the land in question till the disposal of the revision petition.

After the said order was passed by this Court, the present review petition has been filed with a condone delay petition seeking direction to bring the petitioner on record as a legal representative of the deceased, petitioner, in the writ petition. Since the writ petition was disposed of, on which date, the petitioner was said to be no more.

Delay was condoned by order dated 06-07-2007. Thereafter, this matter has been listed for hearing to review the order dated 24-08-2005 for the purpose to implead the petitioner herein as legal representative of the deceased petitioner.

In the affidavit, filed in support of the petition by the 2nd petitioner, it is averred that the deceased petitioner by an agreement dated 07-10-1980 had sold the subject matter of the land in the writ petition to the 2nd petitioner herein and delivered the possession and since then he is in possession and enjoyment of the said land. It is also stated that the subject land of the writ petition has been devolved on the petitioner herein and he is the

successor in the interest of the deceased petitioner. But for the lack of knowledge about the disposal of the writ petition, he had not taken steps to come on record in the writ petition and that failure is neither willful nor wanton.

Having regard to the averments made in the affidavit, filed in support of the petition, without going into the merits of the case, taking into consideration the alleged agreement of sale dated 07-10-1980, I am of the view that the petition is liable to be allowed. Accordingly the W.P.M.P. No.21195 of 2007 is allowed. Consequently, W.P.M.P. No.21196 of 2007 is also allowed. However, it is open to the authorities to consider the claim of the petitioner herein without any influence or the observation made in this order.

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JUSTICE G. CHANDRAIAH

Date: 07-09-2007

LSK